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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,236	12/22/2006	Morio Suchiro	129246	7346

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P.O. BOX 320850
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EXAMINER

MAESTRI, PATRICK J

ART UNIT	PAPER NUMBER
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3633

NOTIFICATION DATE	DELIVERY MODE
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07/25/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarnstrong@oliff.com

Office Action Summary

Application No.

10/593,236

Applicant(s)

SUEHIRO ET AL.

Examiner

PATRICK MAESTRI

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Amendment dated January 10, 2011.
Currently, claims 1-6, 14-20 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reintjes (US Patent No 2,879,660) in view of Watts (US Patent No 3,289,379).**

Referring to claim 1: Reintjes teaches a first anchor bolt configured to be installed projecting outside of a concrete frame (figure 17) a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (figure 17, item 8); and a connecting part that connects the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being attached to the connecting part (figure 17), the connecting part extends radially from the first anchor bolt to and past the second anchor bolt (figure 17), the second anchor bolt being located in a radial center of the connecting part, thereby reducing the bending moment that is exerted locally on the

connecting part when a load is applied on the first anchor bolt (figure 17). Reintjes does not specifically teach the concrete frame, at least the second anchor bolt and the connecting part are integrally molded, and the connecting part is embedded in the concrete frame such that a planar side of the connecting part from which the first anchor bolt extends flush with a surface of the concrete frame and accessible to an equipment base. However, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177USPQ 326, 328 (CCPA 1973). Reintjes teaches the bolts and connector are integral in the final assembly state since the bolts are threaded into the connector. Additionally, the method of forming the device (molded) is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight. The final product of a second anchor bolt and a connecting part is still achieved with either a singular molded part, a threaded connection or a welded connection.

It would have been obvious to someone with ordinary skill in the art at the time of the invention to create the part as taught by Reintjes with the characteristic of having a surface flush with the exterior of the concrete frame in order to determine the placement of the connecting part when the concrete has been poured. It eliminates the need for a locating plug. Further, based on the figure it appears that the connecting part is at least substantially flush with the surface of the concrete.

However, Watts teaches a concrete frame (figure 3, item 21) with an anchor bolt projecting from it.

It would have been obvious to someone with ordinary skill in the art at the time of the invention to use the anchor bolt configuration as taught by Reintjes with the characteristic of anchoring the anchor bolt assembly in concrete as taught by Watts in order to secure the components into a rigid base.

Referring to claim 2: Reintjes and Watts teach all the limitations of claim 1 as noted above. Additionally, Reintjes teaches a connecting part having a polygonal or circular shape (figure 7, item 10).

Referring to claim 3: Reintjes and Watts teach all the limitations of claim 1 as noted above. Additionally, Reintjes teaches the connecting part is formed to have top and bottom surfaces of a polygonal or circular shape (figure 17). Reintjes does not specifically teach the second anchor bolt is positioned at the center of the connecting part. However, Reintjes teaches the second anchor bolt is positioned relatively close to the center of the connecting part. It would have been obvious to someone with ordinary skill in the art at the time of the invention to place the second anchor bolt of Reintjes in the radial center in order to allow for easy manufacturing. Placing the bolt in the center is an easy measurement to determine.

Referring to claims 5, 6, 19, and 20: Reintjes and Watts teach all the limitations of claims 1 and 14 as noted. Reintjes does not specifically teach diameters of the anchor

bolt being equal or different. However, it would have been obvious to someone with ordinary skill in the art at the time of the invention to choose specific diameters based on load requirements. It is common practice to design an anchor to meet its holding requirements.

Referring to claim 14: Reintjes teaches a first anchor bolt installed projecting outside of a concrete frame (figure 17); a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (item 8); and a connecting part for connecting the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being attached to the connecting part (figure 17), wherein the connecting part and second anchor bolt are formed together in a T-shape configuration, and the first anchor bolt is placed at an edge of the connecting part (figure 17). The T-shape of Reintjes is lopsided, however it is still a T-shape. Reintjes does not specifically teach a concrete frame, at least the second anchor bolt and the connecting part are integrally molded, and the connecting part is embedded in the concrete frame such that a planar side of the connecting part from which the first anchor bolt extends flush with a surface of the concrete frame and accessible to an equipment base. However, it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177USPQ 326, 328 (CCPA 1973). Reintjes teaches the bolts and connector are integral in the final assembly state since the bolts are threaded into the connector. Additionally, the method of forming the device (molded) is not germane to the issue of patentability of the device itself. Therefore, this

limitation has been given little patentable weight. The final product of a second anchor bolt and a connecting part is still achieved with either a singular molded part, a threaded connection or a welded connection.

It would have been obvious to someone with ordinary skill in the art at the time of the invention to create the part as taught by Reintjes with the characteristic of having a surface flush with the exterior of the concrete frame in order to determine the placement of the connecting part when the concrete has been poured. It eliminates the need for a locating plug.

However, Watts teaches a concrete frame (figure 3, item 21) with an anchor bolt projecting from it.

It would have been obvious to someone with ordinary skill in the art at the time of the invention to use the anchor bolt configuration as taught by Reintjes with the characteristic of anchoring the anchor bolt assembly in concrete as taught by Watts in order to secure the components into a rigid base.

Referring to claim 15: Reintjes and Watts teach all the limitations of claim 14 as noted above. Additionally, Reintjes teaches the first anchor bolt is removably attached to the connecting part (threaded connection and is therefore removably attached).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reintjes in view of Kubler et al. (US Patent No 6,604,899) ("Kubler").

Referring to claim 4: Reintjes and Watts teach all the limitations of claim 1 as noted above. Reintjes does not teach the connecting part has an injection hole for an adhesive and an air hole. However, Kubler teaches an adhesive and air hole in an anchor bolt (figure 1).

It would have been obvious to someone with ordinary skill in the art at the time of the invention to combine the anchor bolt as taught by Reintjes and Watts with the air and adhesive holes as taught by Kubler in order to add adhesive to the connection and completely seal out any moisture that could penetrate the connection and cause a crack in the concrete.

Allowable Subject Matter

4. Claim 16-18 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6, 14, 15, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK MAESTRI whose telephone number is (571)270-7859. The examiner can normally be reached on 8am-4pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN GLESSNER/
Supervisory Patent Examiner, Art Unit 3633

/P. M./
Examiner, Art Unit 3633